

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Campbell-Sevey, Inc.,

Civil No. 08-6284 (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Delta-T Corporation and
Bateman Litwin, N.V.,

Defendants and
Third-Party Plaintiffs.

Anthony N. Kirwin, Esq., John H. Strothman, Esq., and Jonathan M. Bye, Esq., Lindquist & Vennum PLLP, counsel for Plaintiff and Counter-Defendant.

Arthur G. Boylan, Esq., Michael G. Taylor, Esq., and Stephen H. Barrows, Esq., Leonard Street and Deinard, PA, counsel for Defendants, Third-Party Plaintiffs, and Counter-Claimants Delta-T Corporation, Bateman Litwin N.V.,

Philip J. Kaplan, Esq., Anthony Ostlund Baer & Louwagie PA, counsel for Third-Party Defendants Pacific Ethanol Imperial, LLC, and Pacific Ethanol, Inc..

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated July 16, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Plaintiff's Motion for Entry of Final Judgment Under Rule 54(b) (Doc. No. [121]) is **GRANTED** as follows:

1. The Court enters final judgment under Rule 54(b) against Bateman for its Guaranty of \$646,998.73 owed by Delta-T under the Payment Agreement.

2. The Court enters final judgment under Rule 54(b) against Bateman for its Guaranty of for \$38,280.00 owed by Delta-T for extra service hours.

3. The Court enters final judgment under Rule 54(b) against Bateman for its Guaranty of \$168,896.60 owed by Delta-T in interest under the Payment Agreement.

**LET JUDGMENT BE ENTERED ACCORDINGLY ONLY FOR THE
GUARANTIES LISTED ABOVE AND ONLY WITH RESPECT TO DEFENDANT
BATEMAN LITWIN N.V., A FOREIGN CORPORATION.**

Dated: August 2, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge